

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings of claims in the application:

**Listing of Claims:**

1. – 2. (Canceled)
3. (Previously Presented) A method according to claim 18, wherein said solvent is selected from the group consisting of hexane, pentane, butane, propane and other non-polar solvents having a boiling point of  $\leq 64^{\circ}\text{C}$ .
4. (Previously Presented) A method according to claim 3, wherein said solvent is pentane.
5. (Previously Presented) A method according to claim 18, wherein said step of providing capsicum in powder form comprises removing stems and seeds from capsicum pods and then grinding said pods.
6. (Previously Presented) A method according to 5, which includes the further step of removing fungus from said pods prior to grinding same.
7. (Previously Presented) A method according to claim 18, wherein said liquid solution is heated until the solvent content thereof is reduced to  $\leq 1\%$  by volume.
8. (Previously Presented) A method according to claim 7, wherein said liquid solution is heated for 1 to 16 hours.
9. (Previously Presented) A method according to claim 8, wherein said liquid solution is heated in a hot water bath.
10. (Currently Amended) A method according to claim 7, wherein said liquid solution is heated to a ~~temperate~~ temperature of less than  $60^{\circ}\text{C}$ .

11. (Previously Presented) A method according to claim 18, wherein said liquid solution is brought to atmospheric pressure.

12. (Previously Presented) A method according to claim 18, which further includes the step of separating a liquid solution of capsicum in said solvent from any solid or non-dissolved material.

13. (Previously Presented) A method according to claim 18, wherein said step of separating comprises filtering to remove any solid or non-dissolved material.

14. – 17. (Canceled)

18. (Previously Presented) A method of providing an essential oil extract of capsicum, wherein the extract contains capsaicinoid and terpene, said method including the steps of:

providing capsicum in powder form;

mixing said capsicum with a solvent to dissolve at least some of the capsicum; and

during or after said mixing step, bringing a liquid solution of capsicum in said solvent to a temperature of  $\leq 64^{\circ}\text{C}$  to significantly reduce the solvent content thereof and produce an essential oil extract that contains capsaicinoid and terpene.

19. (Previously Presented) A method according to claim 18, wherein said essential oil extract contains a naturally occurring capsaicinoid to terpene ratio.

20. (New) A method according to claim 19, wherein said liquid solution is heated until the solvent content thereof is reduced to  $\leq 1\%$  by volume.